

California Regional Water Quality Control Board
Santa Ana Region

Minutes of August 26, 2005
Big Bear Municipal Water District
40524 Lakeview Drive
Big Bear

1. Chair Beswick called the meeting to order at 12:29 p.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
John Withers
Seymour Van Gundy
William Ruh

Jose Solorio

Staff Members Present

Gerard J. Thibeault, Executive Officer
Jorge Leon, Regional Board Counsel
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Michael J. Adackapara, Supervising Water Resource Control Engineer
Mark E. Smythe, Chief of Storm Water (Coastal Waters)
Hope Smythe, Chief of Basin Planning (Inland Waters)
Mark Adelson, Chief of Regional Planning Programs
Heather Boyd, Environmental Scientist
Bill Rice, Engineering Geologist
Michael Perez, Water Resources Control Engineer
Aaron Buck, Environmental Scientist
Patrice Copeland, Engineering Geologist
Mary Bartholomew, Environmental Scientist
Kevin Heinemann, Staff Information Systems Analyst
Catherine A. Ehrenfeld, Staff Services Analyst

State Board Representative

None present

Public Attendance

Keith Jones, Caltrans Stormwater Policy
Paul Lambert, Caltrans District 8
Matt Yeager, San Bernardino County Flood Control
Michele Pinney, Big Bear Grizzly Press
Robert Taylor, San Bernardino Fire Service
Laura Larsen, RBF Consulting/Caltrans
Daniel Apt, RBF Consulting/Caltrans
Michael Perry, City of Bear Bear Lake
Cindy Lin, U.S. Environmental Protection Agency, Region 9
Mylene Guron, U.S. Army Corps of Engineers

Ruth Villalobos, U.S. Army Corps of Engineers
Catherine Shuman, U.S. Army Corps of Engineers
Lawrence Bazel, Briscoe Iverster and Bazel/Risk Sciences
Tim Moore, Risk Sciences/Big Bear Lake TMDL Task Force
Bernice Bigelow, Cleveland National Forest
Mary Patterson, San Bernardino County
Supervisor Dennis Hansberger, San Bernardino County
Rick Whetsel, Santa Ana Watershed Project Authority
Timothy F. Kennedy, U.S. Army Corps of Engineers
Jay Pak, U.S. Army Corps of Engineers
James Chieh, U.S. Army Corps of Engineers
Mary Ellen Harris, Harris EnvED
Alan Sharp, Big Bear Marina
Joe Cycwik, City of Big Bear Lake
Dave Martinez, City of Big Bear Lake
Scott Hawk, Big Bear Department of Water and Power
Loren Hafen, Holloway's Marina
Simon Prophet, Remax
Steve Pontell, Pine Knot Landing
R. Kun, Snow Summit Ski Corporation
Scot Scialpi, TLC
Jason Uhley, Riverside County Flood Control and Water Conservation District
Dan Ilkay, County of San Bernardino
Davin Diaz, Center for Community Action and Environmental Justice
Bob Ludecke, Big Bear Lake Municipal Water District

Public Forum

Davin Diaz, Center for Community Action and Environmental Justice, thanked the Board for their decision to hold a Special Board Meeting in Rialto.

15. Priority Projects for the 2005/2006 Consolidated Grants Program

A written list of targeted priority projects for competitive grants that will be offered jointly by the SWRCB and Department of Water Resources, using funding provided by voter approved Prop. 40 and Prop. 50 bond programs, was presented. These projects would receive priority consideration under the grants program. This was a written information item.

16. Status Report on Rialto-Colton-Fontana Perchlorate Investigation

A written report was provided to the Board.

Kurt Berchtold, Assistant Executive Officer, updated the Board on the status of the ongoing perchlorate investigation. Kwikset submitted their brief to the Supreme Court appealing the Board's rescission of a Cleanup and Abatement Order. Mr. Berchtold also provided an update on negotiations with Goodrich.

2. Approval of Minutes

Action:	It was moved by Member Van Gundy and seconded by Member Withers that the Minutes of June 24, 2005 be approved as presented.
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3. Consent Calendar

It was noted that Item No. 10 had errata.

- *5. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – Alfred Langston, 21948 Pinewood Street, Perris, Riverside County.
- *6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – Phillip and Christina Klapper, 33567 Adelfa Street, Lake Elsinore, Riverside County.
- *7. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – David Little, 11955 Indiana Avenue, Riverside, Riverside County.
- *8. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – Jim Giardina, 15871 Prairie Way, Riverside, Riverside County.
- *9. Appeal for an Exemption from the 30 Percent Maximum Slope Requirement for the Use of a Subsurface Disposal System – Andy Bodewin, Hawarden Developments, LLP, Lot 6, Tract No. 29628, Riverside County.
- *10. Reissuance of Waste Discharge Requirements, Lee Lake Water District, Wastewater Reclamation Facility (NPDES CA 8000100) Order No. R8-2005-0043.

Action: It was moved by Member Ruh and seconded by Member Withers that the Board adopt Order No. R8-2005-0043, with errata, and approve the exemptions from minimum lot size requirements requested by Alfred Langston, Phillip and Christina Klapper, David Little, Jim Giardina and Andy Bodewin.

11. Big Bear Lake Nutrient Total Maximum Daily Loads – Public Workshop

Information concerning this item is contained in a verbatim transcript of the proceedings.

Heather Boyd, Environmental Scientist, briefed the Board on the proposed Basin Plan Amendment to adopt nutrient Total Maximum Daily Loads (TMDLs) for Big Bear Lake. Staff reviewed the existing water quality standards for nutrients, the components of the proposed TMDL, and the proposed implementation plan and monitoring program. Staff also discussed the economic considerations, the environmental review process, and the public participation activities that stakeholders as well as staff have been involved in as part of the TMDL process.

Speakers on the item:

Tim Moore, Risk Sciences/Big Bear TMDL Task Force
Ruth Villalobos, Chief of Planning, U.S. Army Corps of Engineers
Bob Ludecke, President, Big Bear Municipal Water District Board
Lawrence Bazel, Briscoe, Iverster & Bazel/Risk Sciences
Matt Yeager, San Bernardo County Flood Control
Robert Taylor, Forest Hydrologist, San Bernardino National Forest
Cindy Lin, U.S. Environmental Protection Agency, Region 9
Steve Pontell, Managing Partner, Pine Knot Landing

Michael Perry, Big Bear Lake City Manager
Paul Lambert, Caltrans District 8 Stormwater Coordinator

12. Big Bear Lake Sediment Total Maximum Daily Loads – Public Workshop

New information was presented to staff one week prior to the Board meeting that caused staff to reconsider the appropriateness of moving forward with the sediment TMDLs; therefore, Gerard Thibeault, Executive Officer, recommended that the Board postpone this item to allow staff time to review the new information. This item was postponed.

13. Middle Santa Ana River Watershed Waterbodies Total maximum Daily Loads (TMDLs) – Public Workshop. Order No. R8-2005-0001.

Information pertaining to this item is contained in a verbatim transcript of the proceedings.

This item has errata.

Bill Rice, Engineering Geologist, briefed the Board on comments received from interested parties as well as staff's response to those comments. Two previous public workshops have been held on this item. Staff recommended the adoption of the Proposed Basin Plan Amendment for the incorporation of TMDLs for Bacterial Indicators in the Middle Santa Ana River Watershed Waterbodies.

Speakers on the item were:

Matt Yeager, San Bernardino County Flood Control
Jason Uhley, Riverside County Flood Control & Water Conservation District
Dr. Cindy Lin, U.S. Environmental Protection Agency, Region 9

Action: It was moved by Member Ameri, seconded by Member Ruh and unanimously approved that the Board adopt Resolution No. R8-2005-0001 with errata.

14. Administrative Civil Liability Complaint, Robertson's Ready Mix, Orange County – Order No.R8-2005-0091

Information pertaining to this item is contained in a verbatim transcript of the proceedings.

Aaron Buck, Environmental Scientist, presented the Board with evidence and information pertaining to Administrative Civil Liability Complaint No. R8-2005-0073. The presentation reviewed violations of Provision B.3 of the State's General Industrial Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order # 97-03-DWQ, NPDES No. CAS000001. Information showing how the discharger failed to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of BCT (Best Conventional Pollutant Control Technology) for conventional pollutants was reviewed. Robertson's failure to develop and implement a SWPPP (Storm Water Pollution Prevention Plan) and Monitoring Plan was also reviewed. Staff recommended that Order No. R8-2005-0091 be adopted as presented.

Speakers on the item were:

Robert M. Binam, Attorney for Robertson's Ready Mix
Craig Phillips, Robertson's Ready Mix

After closing the hearing, the Board adjourned to Closed Session at 6:40p.m. to deliberate upon the evidence presented. The Board returned to the regular meeting at 6:50pm. Chair Beswick

proposed that Order No R8-2005-0091 be modified to include an assessment of \$493,856 with an option for \$112,000 of that amount to be included in a supplemental environmental project. Regional Board Counsel Leon also suggested clarifications to the order.

Action: It was moved by Member Ruh, seconded by Member Van Gundy and unanimously approved that the Board Adopt Order No. R8-2005-0091 with the proposed revisions.

21. Adjournment

The meeting was adjourned to the regular meeting of September 30, 2005 at 9:00 a.m., at Orange County Sanitation District, 10844 Ellis Avenue, Fountain Valley.

Respectfully submitted:


GERARD J. THIBEAULT
Executive Officer

/cae